

CPC Minutes of May 11, 2010

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, May 11, 2010 at 4:45 p.m. in the Department of Planning and Development (DPD) 4th Floor Auditorium, 400 Westminster Street, Providence, Rhode Island.

OPENING SESSION

Call to Order: Chairman Durkee called the meeting to order at 4:45 p.m.

Members Present: Chairman Steve Durkee, Vice Chairman Harrison Bilodeau, Meredyth Church, Drake Patten and Bryan Principe.

Members Absent: Andrew Cortes and Samuel Limiadi

Staff Present: Robert Azar, Bonnie Nickerson, Choyon Manjrekar, City Solicitor Adrienne Southgate.

Approval of meeting minutes for April 27th 2010: Ms. Patten made a motion seconded by Mr. Principe to approve the minutes of the April 27th meeting. All voted in favor.

Providence Tomorrow

Downtown Plan and Knowledge District Study

The overview of the Downtown plan and Knowledge District study was heard out of order and presented by Mr. Azar. He said the plan was complex because of factors like the Interstate 195 relocation, the pedestrian bridge, institutional plans of various institutions, the knowledge economy, new businesses locating in the Jewelry District, and Brown University's medical school amongst others. Federal money was applied for and received to study the Knowledge Economy. Proposals were solicited and the New York firm Perkins and Will was chosen. The study would result in a development plan to evaluate the buildout of the area with revised regulations for zoning Downtown, public infrastructure and utilities. The study would also use findings from the Downtown plan, charrettes and other downtown planning efforts, which would be reflected in the Downtown Neighborhood Plan, making it more detailed than other neighborhood plans.

He said the plan may be completed before the end of the summer. The restrictions of the federal grant require that the project be completed on schedule with the final version expected to be presented in September. The DPD will provide the Commission updates on the process. Public participation is expected during the process to create a more refined plan.

Major Subdivision

Case No. 10-011MA – Subdivision of land from the relocation of Interstate 195 (I-195) – Public informational meeting (This public informational meeting was recorded by a stenographer. The transcript shall be made part of the record.)

David Freeman of the Maguire Group and Lambri Zerva of the Rhode Island Department of Transportation (RIDOT) presented the subdivision plan showing the 23 new parcels that would be created from the I-195 relocation. Mr. Freeman described the subdivision. He said approximately

nineteen acres are intended for development by institutions and businesses and nine acres were meant for parks and open space. The land runs from I-95 to the West over the Providence River and crossing it from South Water Street to Tockwotton Street and Cohan Boulevard. Mr. Azar said that the large parcels depicted on the plan did not preclude them from being further subdivided. The plan was reflective of blocks being defined by proposed rights of way. Mr. Zerva explained that the proposed street pattern was based on the historical street grid from the 1950's that existed before I-195 was built. He showed the connections and street extensions on the map.

Mr. Durkee asked about changes to Parcel 22 on the map. Mr. Freeman said that Eddy Street divided parcel 22 and 25. Eddy Street was eliminated after receiving public comment. Mr. Bilodeau asked what land would be used for parks. Mr. Zerva said that parcels in green would be used for parks and open space and explained where they would be located. A discussion ensued on the location of parcels and the history of the subdivision.

Mr. Principe asked who the objectors to the location of Eddy Street were. Mr. Rob Stolzman spoke on behalf of the Rhode Island Economic Development Corporation (RIEDC), which is partnered with the RIDOT and the City of Providence. He said that the firm Chan Krieger had evaluated the subdivision and solicited public opinion. Eddy Street cutting across parcels 22 and 25 would make parcel 22 narrow. The parcel could be reconfigured at a later time based on potential development scenarios. Mr. Durkee said that the matter could be taken up at the preliminary plan stage. Mr. Stolzman said the parcel is large and oddly shaped. He said that the street pattern for the subdivision was based off the Old Harbor Historic District. The street pattern would create access to the park parcels.

Wayne Kezirian representing Johnson and Wales University said it was his understanding that the lots created by the subdivision were unzoned, which would render them unbuildable. Mr. Azar said that the map showed the parcel zoning and overlay districts. He said that rezoning could be considered during the Downtown neighborhood planning process. In some cases, overlay districts may cut through parcels, but the underlying zoning is already in place. Mr. Kezirian said that given the historic district overlay in the Jewelry District, the underlying zoning was insufficient for development of the Knowledge Economy. Mr. Azar said that the zoning was adequate, but would be examined in more detail during the Knowledge Economy study.

Dan Baudouin of the Providence Foundation approved of the subdivision. He said the neighborhood did not want to connect Eddy Street between parcels 22 and 25 to have some flexibility to connect the Jewelry District to the parks and the Waterfront.

Heather Florence said streets that would divide Parcel 5 (at the corner of Point and Wickenden Street) have not been restored in accordance with the historic street pattern. She said the parcel was out of scale with the neighborhood. Mr. Stolzman said that although the street pattern was based on recreation of the main arteries of the Old Harbor District, not all alleys could be recreated in order to permit the creation of parcels and economic development. He said that the parcel could be subdivided in the future. Mr. Azar said that the subdivision defined blocks, not individual lots. He said the parcel could be subdivided and have design regulations and provisions for access applied subsequently. A precedent for dividing lots and providing access existed in the Capital Center.

Andrew Teitz asked where maps of the subdivision could be obtained. Mr. Freeman said they were available online.

Steven Metzger asked if bulk and height restrictions would be imposed on new development on Parcel 5 to preserve view corridors. He said there was no guarantee that the parcel would be subdivided. Mr. Durkee said that regulations would be in place to ensure views. Mr. Azar said that parcel 5 was

located out of Downtown but it was in a C-2 zone, which has a 3 story height restriction. Ms. Nickerson said she believed that the College Hill/Wayland/Fox Point plan has a height restriction of 4 to 5 stories for the parcel. Design guidelines developed from the neighborhood charrette will be used for the parcel. Mr. Metzger asked if the proposed height would affect view corridors. Mr. Durkee said that the land sloped downward to Benefit Street. Mr. Metzger said the view could be obscured from a 4 to 5 story building. Mr. Durkee said that as design continued to develop, the zoning would be fine tuned before going to the City Council. Mr. Metzger asked if the intent of the CPC was to design the area in the manner described in the neighborhood plan. Ms. Nickerson said that the neighborhood plan was a vision of the planning process.

Mr. Stolzman said that in addition to planning and zoning, there was a third layer of public protection on the parcels, a requirement that all the new parcels are developed in conformance with a historical sensitivity determined by the State Historic Preservation Officer. The City is working with the State on developing these guidelines.

Mr. Principe made a motion seconded by Ms. Patten to approve the master plan stage of the major subdivision. All voted in favor.

Referral 3326 – An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence Entitled “The City of Providence Zoning Ordinance,” Approved June 27, 1994, as Amended, to change certain text in Articles I, III, X, and Appendix A; to revise the regulations of the W-3 Zone pertaining to permitted and prohibited uses; to create a new W-4 Zone entitled “Working Waterfront Protection District;” and to apply the W-4 Zone to an area of land along the Providence River south of Thurbers Ave.

Mr. Azar provided an overview of the amendment. Ms. Nickerson made a presentation in response to public comment that was received when the amendment was first presented before the commission. The following points were covered:

- The DPD has taken initiatives to invest in the Waterfront through the Port Redevelopment Plan, reestablishing the Port Commission and creation of the Working Waterfront District.
- The creation of the W-4 working waterfront district for maritime use will include the City owned parcel at Fields Point for port expansion.
- Revisions to the W-3 district are intended to grow maritime businesses and eliminate the requirement that the variety of uses permitted be tied to a maritime use. Hotels and tourism are permitted, but permanent residences are prohibited.
- Use code 77.4 – Other Materials Processing Distribution and Storage – is proposed to be removed from the W-3 to prevent junk yards expanding along Allens Avenue. Existing businesses would be considered grandfathered uses.
- The hotel use was proposed in the W-3 in furtherance of a vision where tourism related marine activity on Allens Avenue like ferries and cruise ships could be served. A hotel could serve the envisioned Knowledge District downtown.
- Proposed changes are in accordance with the City’s Comprehensive Plan, which designates the Waterfront for mixed use. The plan is official and was approved by the State without conditions. Concerns the State raised were identified as not binding.
- The Coastal Resources Management Council (CRMC) reviews Comprehensive Plans and issues permits for projects within the coastal zone. CRMC can weigh in on projects for review. It has granted a permit for a residential project adjacent to type 6 waters, but rejected changing Type 6 waters to Type 4. The DPD is continuing to work with the CRMC.

- Federal Guidelines for best planning practices have encouraged mixed use along waterfronts. Elements of this use including mixing land uses and compact design amongst others are included in the Waterfront Plan. This would lead to a more vibrant economic base.
- Waterfronts like the one in south Boston have demonstrated how mixed use can be used for a dynamic waterfront.
- The DPD has received a grant to study short sea shipping and applied for grants to improve the waterfront.

Rob Stolzman representing Cumberland Farms objected to the amendment. He said that the proposed reduction of uses in the W-3 zone was inconsistent with the Comprehensive Plan. Eliminating use code 77.4 would not just eliminate scrap yards, but others like storage and baling of textiles.

Andrew Teitz representing the Working Waterfront Alliance said that copies of the presentation slides should have been provided before the meeting. He said permitting uses previously prohibited through footnotes that required uses to be tied to maritime businesses would change the nature of the zone. He said that since no dimensional changes were proposed, there would be no way to ensure through urban design principles that a hotel would be compatible with the industrial uses in the area. He added that catering to the knowledge district area would be inefficient as the area around the W-3 zone is not accessible to Downtown. Mr. Teitz claimed that CRMCs comments on the comprehensive plan were not binding because no zoning changes were proposed and because it was called an interim plan. He submitted a letter from the CRMC opposing the proposed change. He said the approval of a housing project 20 years ago was irrelevant. Mr. Teitz said he wanted the W-4 zone regulations to apply to the whole W-3 zone.

Mr. Sean Coffey said implementation of the zoning change before neighborhood plans are integrated into the comprehensive plan was inappropriate. He said his clients were involved with recycling and elimination of use code 77.4 would result in a diminished use of the property. He said mixed use would not benefit the area.

Mr. Thomas Moses representing Rhode Island Recycling said his client intended to expand their business. Elimination of use code 77.4 would prevent that expansion. Mr. Principe asked for a timeline for developing the site. Mr. Moses said the expansion was expected to take three years. A discussion ensued on recycling operations. Mr. Moses suggested that the boundary of the W-3 zone be moved northward to create a transition zone without disturbing marine uses. Ms. Patten asked how uses considered grandfathered after prohibition of a use would be handled by the DPD. Mr. Azar said that uses would be allowed to continue but not expand. If required, he said, a variance could be sought.

Mr. Bill Brody, counsel for Provport, clarified that Provport is a nonprofit entity unaffiliated with the City of Providence. Provport purchased the Port of Providence from the City in 1994. It has been operating the port as a private entity and operates through Waterson Terminal Services. He said he supported the plan and was looking to expand the business.

Bruce Waterson, a manager of Provport and Port Commission member, said he supported the plan and needed more space to expand the port. He said the proposed amendment was vital to expansion. He said he had not been approached by Rhode Island Recycling and was open to allowing them to use land at the port for their operations.

Burt Russell, Vice President of Operations for Sprague Energy said he felt that the W-4 zone should include businesses north of Thurbers Avenue. He was against mixed use and said a Sprague terminal in another state closed after a college campus moved in next to it. He said a hotel in Providence would

be unsuitable in proximity to industrial uses and that mixed use negatively affected industrial use in the Boston harbor. Mixed use in other cities has been implemented with sufficient buffer zones, but Providence does not have adequate buffer space. Businesses were wary to invest in the City because of uncertainty about zoning and that there was no need for a hotel.

City Councilman Luis Aponte said the Waterfront is currently of a mixed use nature. The amendment would codify existing mixed use north of Thurbers Avenue and preserve the industrial base. In addition to providing predictability, the amendment would recognize land use trends in the City and what currently exists. There is underutilized land along Allens Avenue that can be used to grow the economy. Restricting growth for non-marine based businesses would be counterproductive. He said the amendment was supported by members of the City Council and State Government.

Mr. Stolzman said he had not received an individual meeting notice. Mr. Azar said that the Commission would be making a recommendation to the City Council. For zone change requests requiring planning board review, State law requires posting of the agenda, not individual mailing of notices. Mr. Durkee said the area south of Thurbers Avenue is different from the area north of it because of infrastructure. The 40 foot channel exists, but there is no existing infrastructure like bulkheads and dredging out to the channel north of Thurbers Avenue. A discussion ensued between Mr. Russell and Mr. Durkee about available infrastructure.

Mr. Principe asked if there were any development proposals received for this area recently. Ms. Nickerson said that the DPD had not received any. Mr. Principe asked about the differences in infrastructure between businesses north and south of Thurbers Avenue. Mr. Waterson said that Provport has more than 3,500 feet over 40 feet deep and needs more land behind the port for storage. Mr. Bilodeau asked for a clarification. Mr. Waterson described land the port is trying to acquire. Mr. Moses said his client was looking to put a pier out to the channel because it was cheaper than dredging from the shore to the channel. Mr. Durkee said that would be expensive. A discussion ensued between Mr. Stolzman and Mr. Durkee about waterfront infrastructure. Councilman Aponte said the amendment would not bring in new uses, but regulate what exists along the waterfront. Mr. Moses asked why certain uses were being deleted.

Ms. Patten asked if opposition to the amendment was because of hotels or mixed use. She asked if mixed use could be categorized in other ways and wanted to ensure that citizens have access to the waterfront. Mr. Durkee said a hotel was presently hypothetical. Mr. Bilodeau said he felt the amendment was premature and wanted to see an integrated vision that would address the needs of all waterfront operators. Mr. Durkee said he felt the mixed use was appropriate. A discussion ensued on possible actions to be taken and the feasibility of the amendment.

Mr. Principe asked if a casino could be built along Allens Avenue. Mr. Azar said he understood there was legislation at the state level exploring possible casino locations, but there was no intention by the DPD to permit a casino in the W-3. Mr. Principe asked if elements of a casino like restaurants were permitted in the W-3. Ms. Nickerson said that there was no intention for a casino. She responded to Mr. Bilodeau's earlier comment and said that the amendment was part of a package of changes like the redevelopment plan and port commission intended to address the issues of the Waterfront as a whole. Mr. Azar stated that a casino was not a use that the DPD had intended to be permitted and said that he would be comfortable if the CPC recommended that a casino not be permitted. Mr. Bilodeau said he wanted to hear more from Waterfront groups. Ms. Nickerson said that speakers at the meeting represented various waterfront groups.

Mr. Teitz said that use code 34 for "indoor sports facility" was changed from a prohibited use to one permitted by a special use permit in the W-3, and suggested this could include a casino. Mr. Durkee

said the use code related to sports like tennis and asked for a motion. Mr. Bilodeau made a motion to recommend the City Council deny the amendment. The motion failed as no one seconded. Mr. Durkee asked if there was a motion for approval. No motion was proposed. A discussion ensued on the outcome of taking no action. Mr. Azar said that the Commission could decline to make findings. Ms. Southgate said that given the differing viewpoints on the amendment, DPD staff could indicate to the Ordinance Committee that no action was taken. An account of the meeting could be forwarded to the Committee to give them a sense of where the Commission stood. Ms. Patten said she was comfortable with Ms. Southgate's suggestion and felt that the amendment conformed to the Comprehensive Plan. She said she wanted to attach a condition that some aspects like the possibility of the casino should be further reviewed. Mr. Principe asked if a motion like the one Ms. Patten suggested could be made. A discussion ensued on possible motions. Mr. Azar said that the Commission had information on the planning process and could make a motion.

Mr. Durkee said that the only compromise that could be made was to eliminate the hotel use and that he was in favor of mixed use. He said that various uses could exist along the waterfront and should not be foreclosed upon contingent on infrastructure being built for marine industries. Ms. Patten made a motion to approve the amendment with elimination of hotel uses with an account of the meeting attached. Mr. Azar suggested that the draft meeting minutes be attached, and Ms. Patten agreed. Ms. Church seconded the motion. Mr. Principe proposed an amendment to the motion to include 434 Allens Avenue (AP 47 Lot 601) into the W-4 zone. He asked if it was possible to eliminate scrapyards, but retain other uses under use code 77.4. A discussion ensued on possible variations to the amendment. Ms. Patten accepted Mr. Principe's amendment and noted that this was not an instance of spot zoning, but inclusion of a property into a contiguous zone. Ms. Church seconded the amended motion. Mr. Stolzman said Mr. Principe's amendment to include uses under use code 77.4 other than scrap yards should be reconsidered. The motion passed with Ms. Patten, Ms. Church and Mr. Durkee voting in favor. Mr. Principe and Mr. Bilodeau voted against the motion.

Mr. Principe made a motion to adjourn the meeting, seconded by Mr. Bilodeau.

The meeting adjourned at 7:35 pm.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'C. Manjrekar', with a stylized flourish at the end.

Choyon Manjrekar
Recording Secretary